



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mother Lode Field Office

5152 Hillsdale Circle

El Dorado Hills, CA 95762

www.blm.gov/ca/motherlode

Variance proposals FY 2011(CA-180-11-64) Finding of No Significant Impact January 2012

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed in the Sierra Resource Management Plan/Final Environmental Impact Statement. The proposed action does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA, and based on my understanding of the project:

- 1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* Potential impacts include vegetation removal and temporary noise and dust due to cutting fuels and smoke from pile burning. However, none of these impacts would be significant at the local level or cumulatively because of the small scale of the proposed action.
- 2) *The degree of the impact on public health or safety.* No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety. In fact, the proposed action is designed to help protect private property from wildfire; therefore protecting public health and safety.
- 3) *Unique characteristics of the geographic area.* The project area does not have any unique characteristics. Soil, vegetation, wildlife, cultural, and visual resources are all typical for BLM-administered land within the central western Sierra Nevada.
- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).
- 5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that this action would involve any unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* Fuels treatment along BLM-private land boundaries is not precedent setting.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant cumulative impacts have been identified. The proposed action is consistent with the actions and impacts anticipated in the Sierra Resource Management Plan and its associated environmental impact statement.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The proposed action will not affect cultural resources listed on or eligible for the National Register of Historic Places.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* No ESA listed species (or their habitat) will be affected by the proposed action.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that the decision to move forward with the proposed action would result in actions that will threaten such a violation.

William S. Haigh
Field Manager, Mother Lode Field Office

Date



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EA Number: CA-180-11-64

Proposed Action: Variance proposals FY 2011

Locations:

Bromet	T.09N R.10E S.13	Hertlein	T. 06N R.13E S.07	Cox	T.16N R.08E S.12
Lucero	T.06N R.13E S.11	Ramsey	T. 05N R.11E S.36	Heidelberger	T.16N R.09E S.17, 18
Byler	T.05N R.11E S.36	Atkinson	T. 06N R.13E S.08	O'Connor	T.14N R.10E S.34
Day	T.16N R.09E S.09	Bryant	T. 16N R.17E S.24	Strong	T.09N R.12E S.21

1.0 Purpose of and Need for Action

1.1 Need for Action

The Bureau of Land Management's Mother Lode Field Office (BLM) manages scattered public lands in the foothills of the central Sierra Nevada. Some areas have not experienced wildfires in decades. Chaparral and other fuels have grown, increasing the possibility of a catastrophic wildfire. At the same time, local communities have grown. There are now numerous private residences in the area, including residences adjacent to the BLM-administered parcels containing dense fuels. Local residents are concerned about wildfire and are anxious to see public land managers like the BLM take action to reduce fuels on public lands adjacent to their homes. The BLM proposes to issue variance permits to landowners allowing them (or a contractor of their choosing) to use hand methods to reduce fuels on BLM-administered land, at the boundary, adjacent to their property. In some cases, the BLM would do the fuels reduction work within the variance areas (referred to herein collectively as the project area). In these cases, some larger mechanical equipment may be used, as well as pile burning.

1.2 Conformance with Applicable Land Use Plans

The proposed action—issuing variance permits—is consistent with the Sierra Resource Management Plan, approved in February 2008, and the Mother Lode Field Office Fire Management Plan, approved in March 2008. The Sierra Resource Management Plan's Record of Decision (page 15-16) gives BLM the goal of establishing a cost-efficient fire management program commensurate with threats to life, property, public safety, and environmental resources. The BLM also has the goal of suppressing wildfire to protect life, property, and significant environmental resources. The BLM's objectives for meeting these goals are to use various kinds of treatments to reduce the risk of wildfire in WUI communities and reduce the risk of catastrophic wildfire through fuels management. The Fire Management Plan gives the BLM various non-fire fuels treatment objectives and strategies for specific lands under the BLM's administration. Specific objectives and strategies for the fire management unit, in which the project area is located, are laid out in the plan.

2.0 Proposed Action and Alternatives

2.1 Proposed Action

Under the proposed action, the BLM is considering authorizing 12 different landowners to reduce fuels on BLM-administered land along the property boundary. The project area is indicated in the attached maps associated with botanical inventory maps. In some cases, BLM and its contractors would do the fuels reduction work within the project area. The work would be done in the following way:

Under the BLM variance authorization, the applicant would build fuel break using only chainsaws and other hand-held tools. The applicant is strictly prohibited from using larger mechanical/motorized equipment (i.e., mechanical chipper, etc.) to cut vegetation or vehicles to haul cut vegetation (i.e., ATVs, etc.). BLM staff or contractors may use hand tools in addition to the following equipment: small rubber-tracked forestry equipment designed with low-impact features such as skid steer masticator; and brush chippers that are remote controlled and capable of traversing terrain unsuitable for standard vehicles. Fire suppression tools would be kept at hand during clearing. Hand tools with internal combustion engines are required to have state or federally approved spark arresters. This EA does not cover the use of large mechanical equipment by BLM staff or contractors; a separate NEPA document would be needed to authorize the use of large mechanical equipment within the project area.

Clearing would not reduce vegetative canopy closure (brush or tree height) to less than 50 percent of the treated area. Any dead vegetation less than six inches in diameter would be cut and removed. Live trees with trunks less than 6 inches in diameter as measured six inches above the ground would be cut and removed. Tree trunks would be cut flush with the ground. Brushy plants such as manzanita, chamise, buckbrush, toyon, and poison oak would be removed. Ladder fuels (branches) would be removed from the lower third of trees not cut down. Generally grasses and forbs may be cut with a string trimmer (but see the exception below under section 2.2 Project Design Features).

If the treatment is carried out by BLM staff or contractors, cut vegetation may be hand piled in 5 x 5 foot piles and burned at a later date under an approved prescribed fire burn plan, and in accordance with all BLM, state, and local policies/rules and regulations. The average number of piles per acre would not exceed 20.

If the treatment is carried out by the applicant, all cut vegetation (as well as any trash, litter, discarded equipment or parts, waste material, or other refuse) resulting from the applicant's operation would be removed by hand to adjacent private property and disposed of on the landowner's property, at the local county landfill, or subject to prior written authorization by the BLM. The applicant may not conduct pile burning on BLM-administered land. The applicant may not use BLM-administered land within the project area for any purpose.

The applicant may conduct maintenance within his/her specific project area using hand tools and following all of the stipulations on his/her variance authorization for a period of 10 years from the signing of the decision record associated with this EA, after which time he/she would need to apply for a new variance authorization from the BLM. BLM staff or contractors are also subject to this 10 year maintenance requirement. After the 10 year period, a new NEPA document will be prepared to authorize continued maintenance. This NEPA document will require fresh biological and cultural analysis, including possibly additional field inventories (note that the botanical field inventory would probably need to be done during the spring bloom season). Proposed fuels treatment for any areas of BLM-administered land outside of the project area defined in the maps in this EA or requiring methods and techniques not discussed in this EA will require a new BLM authorization, including a new DR and FONSI supported by a NEPA document, either this one (as determined by the DNA process) or a

new NEPA document. Again, fresh biological and cultural analysis will be needed, including perhaps additional field inventories.

2.2 Project Design Features

1. **Weed Control.** To minimize the potential for introduction or spread of invasive weeds, equipment used for the proposed action would be cleaned prior to entering the area and, where possible, would avoid operating within weed-infested areas, such as stands of Scotch broom. If small infestations are identified within the project area, these will be pulled and piled for burning, or if burning is not feasible, the pile may be left to biodegrade or the branches may be bagged up and disposed of at a landfill. Scotch broom should not be moved to an un-infested site because it will spread through seed dispersal.

The use of herbicides on BLM-administered lands is prohibited without an approved Pesticide Use Proposal.

In most cases grasses and forbs may be cut with a string trimmer. However if weeds are present (e.g., yellow starthistle, Italian thistle, bull thistle, etc.) and if the weeds have mature seed, the weeds will be pulled and bagged before any string trimming occurs. Any transport of cut or pulled weeds with mature seed will be done inside intact closed plastic bags.

Landowners with noxious weeds on their property or on adjacent BLM-administered land will be educated about which species are present and given the appropriate information on weed prevention and treatment (e.g., the Scotch broom hand out, etc.).

2. If the applicant or equipment operator discovers, encounters, or becomes aware of cultural or paleontological resources within or near the project area (i.e., historic or prehistoric sites, objects, features; human graves or grave markers; fossils; artifacts; etc.) all operations in the vicinity will cease and a BLM-approved archaeologist will be notified. The archaeologist would assess the discovery and provide recommendations on how to proceed within the context of applicable laws, regulations, and BLM policy. Operations would resume at the discovery site upon BLM authorization.

No ground disturbing activity is authorized. No new roads or trails shall be created or constructed.

3. Roads or trails commonly in public use would not be enclosed or obstructed. Existing telephone, telegraph, transmission lines, fences, ditches, roads, trails, and other improvements will be protected.

All survey monuments, witness corners, reference monuments, and bearing trees will be protected against destruction, obliteration, or damage during operations.

4. All federal, state, and local laws and regulations applicable to the premises will be followed.

To avoid misunderstandings, private landowners will be given written instructions/permit stipulations pertaining to their rights and responsibilities under their variance. The instructions/permit stipulations for the project would be read to the landowner. The instructions/permit stipulations will specify penalties for non-compliance.

2.3 No Action

Under the no action alternative, BLM would not allow landowners to build and maintain a fuel break in the project area.

2.4 Alternatives Considered but Eliminated from Detailed Analysis

BLM did not consider any other alternatives in detailed analysis.

3.0 Affected Environment

The project area is located in the foothills of the western central Sierra Nevada. Specifically, the variance area is dominated by dense chaparral. The chaparral provides habitat for a variety of wildlife. Deer and other herbivores make use of chaparral. Some small herbivores use chaparral species in fall and winter when grasses are not in abundance. Rabbits eat twigs, evergreen leaves and bark from chaparral. Chaparral provides seeds, fruits, insects, protection from predators and climate, as well as singing, roosting, and nesting sites for many birds. There are numerous private residences near the project area. However, recreational use of BLM-administered land in the area is considered to be very low. Recreationists visit this area infrequently, probably due to the dense chaparral brush. BLM manages the project area in accordance with class III visual resource management (VRM) standards. BLM's objective for class III is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat basic elements found in the predominant natural features of the characteristic landscape. The project area does not fall within areas with special designations such as an ACEC, wild and scenic river corridor, etc.

4.0 Environmental Effects

The following critical elements have been considered in this environmental assessment, and unless specifically mentioned later in this EA, have been determined to be unaffected by the proposed action: areas of critical environmental concern, prime/unique farmlands, floodplains, wetlands and riparian zones, wild and scenic rivers, wilderness, and environmental justice.

4.1 Impacts of the Proposed Action and Alternatives

The proposed action would have miniscule impacts atmospheric, water, or soil resources. The area that would be treated is relatively small in size. The use of hand tools and perhaps small forestry equipment within the project area is expected to cause little, if no, soil disturbance. Sedimentation is not an issue. Cut brush and other fuels would be dragged by hand from the variance area onto private property and then properly disposed of. Cutting of fuels, as proposed, could create some dust, but not enough to affect air quality. Pile burning done under an approved burn plan and in accordance with all BLM, state, and local rules would also not seriously affect air quality.

The BLM botany staff conducted rare plant and weed field inventories of the project area during the summer of 2011. No rare plants were identified nor were there soils or other conditions suitable for rare species. According to the California Natural Diversity Database, the closest known rare plant location to a project area is more than a ½ mile from the site, and the majority of known rare plant locations are more than 2 miles away. The inventories were designed to help the BLM meet its obligations under the Endangered Species Act and other authorities and BLM policies. The botanist recommends that the proposed action would not affect threatened and endangered plants or other BLM special status plants.

Noxious weeds were found in multiple portions of the project area. Common weed species include Scotch broom, oblong spurge, milk and Italian thistle, Klamath weed, and mullein. The BLM would educate homeowners upon permit issuance on weed-spread prevention and weed treatment. Also, the

“Weed Control” Project Design Features in section 2.2 would be strictly followed. Vegetation that would be treated within the project area is commonplace and would likely grow back within a few years if the fuel break is not maintained (refer to the study attached). Noxious weeds could increase in the treated areas as a result of decreased canopy cover and competition from native species. The BLM wildlife biologist analyzed the impacts of the proposed action on wildlife, especially on special status wildlife. Her analysis was designed to help BLM meet its obligations under the Endangered Species Act. The biologist recommends that the proposed action would have negligible short-term impacts on commonplace wildlife due to temporary noise and dust when fuels are cut and masticated. Of note, there would be no impacts on threatened and endangered wildlife or other BLM special status wildlife.

The BLM archaeologist conducted a cultural resource study of the project area to determine whether significant cultural resources would be affected by the proposed action. The study was designed to help the BLM meet its obligations under Section 106 of the National Historic Preservation Act and other authorities and BLM policies. The BLM archaeologist found that no significant cultural resources would be affected by the proposed action. No places of traditional religious and cultural significance to Native Americans would be affected (refer to the study attached).

The proposed action would not negatively impact recreational use. Recreational use is very uncommon in the area affected by the proposed action. Recreation such as hunting could be impacted, for a short period of time, during project implementation. The proposed action would have a negligible temporary impact on visual resources. BLM manages the area in accordance with VRM class III standards, and the proposed action is in line with the management objective for this class, which is to partially retain the existing character of the landscape.

4.2 Impacts of the No Action Alternative

There would be no impacts to environmental resources, such as water, soils, and wildlife. However there could be impacts to private property. If the proposed action is not implemented, landowners may become irate. Their property may have less protection against a wildfire.

4.3 Cumulative Impacts

Negative cumulative impacts are not anticipated. The proposed action would not impact significant biological and cultural resources. The proposed action would not impact atmospheric, water, and soil resources. The proposed action would have negligible short-term impacts on common vegetation and wildlife. Vegetation would likely grow back and wildlife would return to the area once project work has ceased. Except for trees too large to be cut during the initial fuel break construction, as long as the fuel break is maintained, vegetation will be kept at an early seral stage. This would affect wildlife use patterns, favoring those species that make use of early seral habitat. Wildlife species that do not stray from cover would make less use of the treated area. Wildlife species that use the ecotone between dense brush and more open habitat should be favored by the fuel break with adjacent uncut brush. The proposed action is, therefore, expected to have beneficial cumulative impact on wildfire.

5.0 Agencies and Persons Consulted

No outside agencies were consulted.

5.1 Authors

Brian Mulhollan, BLM fuels specialist

Beth Brenneman, BLM botanist

James Barnes, BLM NEPA coordinator/archaeologist

5.2 BLM Interdisciplinary Team/Reviewers:

NEPA Coordinator/Archaeologist	Date
<i>/s/ Brian Mulhollen</i>	<i>12/28/11</i>
Fuels Specialist	Date
<i>/s/ Jeff Horn</i>	<i>01/03/12</i>
Outdoor Recreation Planner	Date
<i>/s/ Beth Brenneman</i>	<i>12/28/11</i>
Botanist	Date
<i>/s/ Peggy Cranston</i>	<i>12/28/11</i>
Wildlife Biologist	Date

5.3 Availability of Document and Comment Procedures

This EA will be posted on Mother Lode Field Office's website (www.blm.gov/ca/motherlode) under NEPA and will be available for a 15-day public review period. The EA is also available by mail upon request during this 15-day public review period. Comments should be sent to James Barnes at Bureau of Land Management, Mother Lode Field Office, 5152 Hillsdale Circle, El Dorado, CA, 95762, or emailed to jjbarnes@blm.gov.